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HARVARD LAW SCHOOL ASSOCIATION. — The next annual meeting of the Harvard Law School Association, on the day before Commencement, promises to be a notable one in several respects. It marks the twenty-fifth year of Professor Langdell's service as Dean of the school, — a period full of meaning for all students of legal education, — and it is expected that the spirit of the occasion will find a most worthy exponent in the person of Sir Frederick Pollock, the orator of the day. A formal acceptance has been received from that distinguished jurist, whose hearty sympathy with the aims and methods of the school has endeared him to all interested in her progress, and he has definitely announced that he will attend. Sir Frederick, no doubt, will be received by the association *en masse*, and with such an ovation as his eminent talents and great friendliness to the school and her cause demand.

LEXOW COMMITTEE. — Harsh comments have been passed upon the modes of procuring testimony which the Lexow Committee has employed. That quasi-judicial tribunal, it is asserted, in the course of its examination has departed from the most time-honored and cherished principles of our law of evidence, and has adopted in their stead that inquisitorial probing into the presumed guilty knowledge of the witness which obtains on the Continent, but has always been regarded with strong aversion by English-speaking peoples.

In this objection there is undoubted force; but it may well be questioned whether its truth involves as a *sequitur* the utter condemnation of the methods of examination which the committee has used. No danger to the bench is feared, — even the most severe critics do not anticipate that, — but, at the most, dread the possible use which may be made of this procedure in similar investigations, in New York, at least. Suppose, however, such labor crowned with a far-reaching success which might

not have been gained had the less searching common-law system been used, are the only adequate means to be rejected in order to be in strict accord with the spirit of our law? There certainly is some room for argument on either side, and it is, perhaps, worthy of serious consideration whether after all it might not be better, in political investigations of this nature, to use the Continental instead of the common-law mode, — the rule best calculated to benefit the public rather than that best fitted to protect the individual.

LEISY *v.* HARDIN AND PLUMLEY *v.* MASSACHUSETTS. — Intoxicating liquor is regarded by the majorities which pass prohibition laws as something the open sale of which "may cheat the people into purchasing something which they do not intend to buy, and which is wholly different from what its condition and appearance import." At least prohibition tracts are full of men lured into rum-shops, buying there something of whose real nature they are ignorant. Yet according to the very last decision of the Supreme Court, Dec. 10, 1894, in the case of *Plumley* v. *Massachusetts* (15 Sup. Ct. Rep. 154), *Leisy* v. *Hardin* (135 U. S. 100), known as the "original package" decision, "does not justify the broad contention that a State is powerless to prevent the sale of articles manufactured in, or brought from another State and subjects of traffic or commerce, if their sale may cheat the people into purchasing something they do not intend to buy, and which is wholly different from what its condition and appearance import." Accordingly, a statute of Massachusetts which forbids the sale of oleomargarine in color resembling butter (and that even if vendor and purchaser know it to be oleomargarine, as a late Massachusetts decision shows) is upheld as constitutional. "The Constitution," says Mr. Justice Harlan, delivering the opinion of the court, "does not secure to any one the privilege of defrauding the public," and "it is within the power of a State to exclude from its markets any compound manufactured in another State . . . the sale of which may . . . cheat the general public into purchasing that which they may not intend to buy, and which is wholly different from what its condition and appearance import" (15 Sup. Ct. Rep. 158).

One is put by this decision rather into a quandary. Why is oleomargarine so bad and liquor so good? One can more easily see why free rum should be bad and free oleomargarine good, and if *Leisy* v. *Hardin* and *Plumley* v. *Massachusetts* are to stand together, it will indeed be hard to tell how the Supreme Court will treat the next article of interstate commerce which is excluded from some State. The more reasonable supposition is that the earlier case is overruled. "It is sufficient to say of *Leisy* v. *Hardin*," says Mr. Justice Harlan, "that it did not in form or substance present the particular question now under consideration." If this is not the polite distinguishing away which will entitle the next editor of Greenleaf's overruled cases to include *Leisy* v. *Hardin*, it is hard to say what *Plumley* v. *Massachusetts* decides, or upon what principle the Supreme Court intends to go.

Fuller, C. J., Field and Brewer, JJ., dissent, holding, as Fuller, C. J., neatly puts it, that "the concession destroys the rule by an unnecessary exception." It will be noticed that the dissenters are a majority of the five judges still on the bench who sat on the case of *Leisy* v. *Hardin*, and that the four latest additions to the bench are in the present majority which decides *Plumley* v. *Massachusetts*.